

circuit.

A¹ could,
Claim 2. (Amended) The battery of Claim 1, wherein the [label is comprised of a base electrically insulating layer that is adhered to the housing of the battery and the tester circuit is disposed on the surface of this insulator layer, and which insulator] insulative layer has an opening in it aligned with one of the ends of the tester circuit.

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Claim 5. (Amended) The battery of Claim 4, wherein the [battery is comprised of a] conductive housing [that] is in electrical contact with one of the battery terminals, and the second terminal contact end of the tester circuit is in contact with the housing through the opening in the insulator layer.

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Claim 13. (Amended) The battery of Claim 9, wherein the indicating material is a thermally sensitive material that changes color in response to a temperature change.

A⁴
Claim 15. (Amended) The battery of Claim 10, wherein the indicating material is a thermally sensitive material that changes color in response to a temperature change.

A⁵
Claim 19. (Amended) The battery of Claim 11, wherein the indicating material is a thermally sensitive material that changes color in response to a temperature change.

A⁶
Claim 21. (Amended) The battery of Claim 12, wherein the indicating material is a thermally sensitive material that changes color in response to a temperature change.

Claim 28. (Amended) A battery to which is attached a label that contains a tester for the battery, wherein the label is comprised of:

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- a) [a] an insulative layer that is adhered to a conductive housing of the battery and a tester circuit which is disposed on the surface of the insulative layer, said insulative layer providing thermal and electrical insulation between said housing and said tester circuit, and wherein said tester circuit is comprised of an electrically conductive material, and [that] has a first terminal contact end and a second terminal contact end connected to each other via an area of controlled resistivity;
 - b) an indicating material disposed in responsive contact with the area of controlled resistivity of the tester circuit; and
 - c) a first terminal connector that connects the first terminal contact end of the tester circuit with a first terminal of the battery and a second terminal connector that connects the second terminal contact end of the tester circuit with the second terminal of the battery, which terminal has a polarity opposite that of the first terminal; wherein at least one of the terminal contact ends of the tester circuit is positioned out of contact with its respective terminal connector to provide an open tester circuit.

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Claim 38. (Amended) ~~The~~ battery of Claim 37, wherein the indicating material is a thermally sensitive material that changes color

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A cancelled
in response to a temperature change.

Please cancel Claims ~~43-45~~.

Please add the following new claims:

Claim 46. The battery of Claim 1, wherein the label further comprises means for forming an electrical switch with the electrically conductive battery housing.

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Claim 47. The battery of Claim 46, wherein the switch means comprises an opening in the insulative layer aligned with one of the ends of the tester circuit.

Claim 48. The battery of Claim 3, wherein the label comprises means for forming an electrical switch with the conductive cover of the battery.

Claim 49. The battery of Claim 48, wherein the switch means comprises disposing the first terminal contact end out of contact with the conductive cover.

Claim 50. The battery of Claim 46, wherein the label further comprises means for forming an electrical switch with the conductive cover of the battery.

Claim 51. The battery of Claim 50, wherein the switch means comprises disposing the first terminal contact end out of contact with the conductive cover.

Claim 52. The battery of Claim 47, wherein the label further comprises means for forming an electrical switch with the conductive